

Water Resources Development Act of 1974

[Public Law 93-251]

[As Amended Through P.L. 117-263, Enacted December 23, 2022]

【Currency: This publication is a compilation of the text of Public Law 93-251. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

AN ACT Authorizing the construction, repair and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * *

SEC. 22. (a) FEDERAL STATE COOPERATION.—

(1) COMPREHENSIVE PLANS.—The Secretary of the Army, acting through the Chief of Engineers, is authorized to cooperate with any State, group of States, non-Federal interest working with a State or group of States, local government, or regional coalition of governmental entities in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources of drainage basins, watersheds, or ecosystems located within the boundaries of such State, interest, local government, or entity, including plans to comprehensively address water resources challenges, and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

(2) TECHNICAL ASSISTANCE.—

(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide technical assistance to such agency or non-Federal interest in managing water resources.

(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.

(3) INSTITUTION OF HIGHER EDUCATION.—Notwithstanding section 4141 of title 10, United States Code, in carrying out

this subsection, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.

(4) **PRIORITIZATION.**—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to address both inland and coastal life safety risks.

(b) **FEES.**—

(1) **ESTABLISHMENT AND COLLECTION.**—For the purpose of recovering 50 percent of the total cost of providing assistance pursuant to subsection (a), the Secretary of the Army is authorized to establish appropriate fees, as determined by the Secretary, and to collect such fees from States and other non-Federal public bodies to whom assistance is provided under subsection (a).

(2) **CONTRIBUTED FUNDS.**—The Secretary may accept and expend funds in excess of the fees established under paragraph (1) that are provided by a State or other non-Federal interest for assistance under this section.

(3) **IN-KIND SERVICES.**—The non-Federal contribution for preparation of a plan subject to the cost sharing program under this subsection may be made by the provision of services, materials, supplies, or other in-kind services necessary to prepare the plan.

(4) **DEPOSIT AND USE.**—Fees collected under this subsection shall be deposited into the account in the Treasury of the United States entitled, “Contributions and Advances, Rivers and Harbors, Corps of Engineers (8862)” and shall be available until expended to carry out this section.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FEDERAL AND STATE COOPERATION.**—There is authorized to be appropriated not to exceed \$30,000,000 annually to carry out subsection (a)(1), except that not more than \$5,000,000 in Federal funds shall be expended in any one year in any one State. The Secretary may allow 2 or more States to combine all or a portion of the funds that the Secretary makes available to the States in carrying out subsection (a)(1).

(2) **TECHNICAL ASSISTANCE.**—There is authorized to be appropriated \$30,000,000 annually to carry out subsection (a)(2), of which not more than \$2,000,000 annually may be used by the Secretary to enter into cooperative agreements with non-profit organizations to provide assistance to rural and small communities.

(d) **ANNUAL SUBMISSION OF PROPOSED ACTIVITIES.**—Concurrent with the President’s submission to Congress of the President’s request for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the individual activities proposed for funding under subsection (a)(1) for that fiscal year.

(e) For the purposes of this section, the term “State” means the several States of the United States, Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands,

the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

(f) SPECIAL RULE.—

(1) TRIBES AND TERRITORIES.—The cost-share for assistance under this section provided to Indian tribes, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall be as provided under section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310).

(2) ECONOMICALLY DISADVANTAGED COMMUNITIES.—Notwithstanding subsection (b)(1) and the limitation in section 1156 of the Water Resources Development Act of 1986, as applicable pursuant to paragraph (1) of this subsection, the Secretary is authorized to waive the collection of fees for any local government to which assistance is provided under subsection (a) that the Secretary determines is an economically disadvantaged community, as defined by the Secretary under section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note) (including economically disadvantaged communities located in urban and rural areas).